

THURSDAY, APRIL 17, 1997

THIRTY-FIRST LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Don Readhimer, Portland Church of Christ, Portland, Tennessee.

Representative McDonald led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present96

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Huskey; illness

Representative Westmoreland; illness

Representative Turner (Hamilton); business

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 382: Rep(s). Hood as prime sponsor(s).

House Bill No. 1849: Rep(s). Bone, Sands and Newton as prime sponsor(s).

MESSAGE FROM THE SENATE

April 17, 1997

MR. SPEAKER: I am directed by the Senate to return to the House Senate Bill(s) No(s). 1766.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 17, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 276; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 17, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 180, 181, 184, 185, 186, 187 and 190; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 180 -- Memorials, Death - Archie Wilson Womack. by *Cooper.

Senate Joint Resolution No. 181 -- Memorials, Professional Achievement - Dr. John Hodge Jones, runner-up, national Superintendent of the Year, American Association of School Administrators. by *Womack.

Senate Joint Resolution No. 184 -- Memorials, Professional Achievement - Tennessee Archivists, 20th anniversary. by *Crowe.

Senate Joint Resolution No. 185 -- Memorials, Personal Occasion - Mr. and Mrs. Richard Robinson, 70th anniversary. by *Rochelle.

Senate Joint Resolution No. 186 -- Memorials, Academic Achievement - Meshan Johnson, 1997 Valedictorian, Lebanon High School. by *Rochelle.

Senate Joint Resolution No. 187 -- Memorials, Academic Achievement - Nancye Leanne Wrather, Salutatorian, Lebanon High School. by *Rochelle.

Senate Joint Resolution No. 190 -- Memorials, Personal Occasion - Julianna Dickenson, birth. by *Leatherwood.

RECOGNITION IN THE WELL

Rep. Pruitt was recognized in the Well to honor Coach Maurice Fitzgerald, Sr., Pearl Cohn High School football team. Rep. Pruitt requested that the Clerk read House Resolution No. 58. The Clerk read the resolution.

RULES SUSPENDED

Rep. Pruitt moved that the rules be suspended for the purpose of introducing House Resolution No. 58 out of order, which motion prevailed.

House Resolution No. 58 -- Memorials, Sports - Coach Maurice Fitzgerald, Sr., Pearl-Cohn High School football team. by *Pruitt, *Langster, *Jones, S., *Garrett, *Odom, *West, *Hargrove, *Boner, *Arriola, *DeBerry L, *McDaniel, *Stamps, *Halteman Harwell, *Naifeh.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Pruitt, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes96
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 196** -- General Assembly, Studies - Creates special joint committee to study need for additional interstate rest stop parking spaces for certain commercial motor vehicles. by *Fowlkes.

Transportation Committee

***House Joint Resolution No. 199** -- General Assembly, Studies - Creates special joint committee to study technologically advanced traffic control systems, including intelligent transportation system. by *Jones, S..

Transportation Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 21, 1997:

House Joint Resolution No. 195 -- Memorials, Retirement - Nate Street. by *Fowlkes.

House Joint Resolution No. 197 -- Memorials, Personal Occasion - William K. (Bill) and Josephine Brobeck, 50th wedding anniversary. by *Patton, *Hicks.

House Joint Resolution No. 198 -- Memorials, Death - Clark Porteous. by *Haley, *Scroggs, *Pleasant.

House Joint Resolution No. 200 -- Memorials, Sports - 1996-1997 Celina High School girls' basketball team, TSSAA Class A state runner-up. by *Winningham.

House Joint Resolution No. 201 -- Memorials, Retirement - James Arthur Pry. by *Sands, *White.

House Joint Resolution No. 202 -- Memorials, Sports - Aaron Ausmus, University of Tennessee track and field star. by *Goins, *Cross.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 21, 1997:

Senate Joint Resolution No. 170 -- Memorials, Professional Achievement - Carthage Bestway. by *Rochelle, *Wilder.

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Senate Joint Resolution No. 171 -- Memorials, Recognition and Thanks - Mu Tau Chapter, Phi Gamma Delta Fraternity. by *Person.

Senate Joint Resolution No. 173 -- Memorials, Death - John Joseph "Giovanni" Cerrito. by *Cohen, *Leatherwood, *Person.

Senate Joint Resolution No. 174 -- Memorials, Public Service - William Sharpe. by *Crowe.

Senate Joint Resolution No. 176 -- Memorials, Death - Bill Duncan. by *Rochelle.

Senate Joint Resolution No. 177 -- Memorials, Academic Achievement - Kevin Pulley, Salutatorian, Watertown High School. by *Rochelle.

Senate Joint Resolution No. 178 -- Memorials, Academic Achievement - Ann Dunn, Valedictorian, Watertown High School. by *Rochelle.

Senate Joint Resolution No. 180 -- Memorials, Death - Archie Wilson Womack. by *Cooper.

Senate Joint Resolution No. 181 -- Memorials, Professional Achievement - Dr. John Hodge Jones, runner-up, national Superintendent of the Year, American Association of School Administrators. by *Womack.

Senate Joint Resolution No. 184 -- Memorials, Professional Achievement - Tennessee Archivists, 20th anniversary. by *Crowe.

Senate Joint Resolution No. 185 -- Memorials, Personal Occasion - Mr. and Mrs. Richard Robinson, 70th anniversary. by *Rochelle.

Senate Joint Resolution No. 186 -- Memorials, Academic Achievement - Meshan Johnson, 1997 Valedictorian, Lebanon High School. by *Rochelle.

Senate Joint Resolution No. 187 -- Memorials, Academic Achievement - Nancy Leanne Wrather, Salutatorian, Lebanon High School. by *Rochelle.

Senate Joint Resolution No. 190 -- Memorials, Personal Occasion - Julianna Dickenson, birth. by *Leatherwood.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 55** -- General Assembly, Confirmation of Appointment - Marilyn T. Loeffel, state board of education. by *Leatherwood, *Person, *Fowler, *Ramsey, *Crowe, *Eisea, *Gilbert, *Jordan, *Atchley, *Haun, *Koella, *Burks, *McNally, *Miller J, *Cooper, *Carter, *Williams.

Education Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 1945** -- Utilities, Utility Districts - Establishes separate water and natural gas utility districts for Unicoi County. Amends TCA Section 7-82-307. by *Whitson. (SB1951)

***House Bill No. 1961** -- Utilities, Utility Districts - Requires certain members of the board of commissioners for the Bedford utility district to be high school graduates; allows current board members to fill vacancy by acclamation, (rather than by vote of customers), if only one person nominated to fill vacancy. Amends TCA Section 7-82-307. by *Phillips. (SB1967)

House Bill No. 1964 -- Food and Food Products - Enacts "Foreign Foods Disclosure Act of 1997." by *Cole (Dyer), *Rinks, *Phelan, *Fitzhugh, *Garrett, *McDaniel, *McKee, *Walley, *Pinion, *Maddox, *Naifeh, *Hargrove, *Westmoreland, *Kisber, *Gunnels, *Givens. (*SB1973)

House Bill No. 1978 -- Humboldt - Subject to local approval, revises bonds of city officials and changes election date. Amends Chapter 253 of the Private Acts of 1978; as amended. by *Phelan. (*SB1983 by Carter)

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 421** -- Economic and Community Development - Requires any grant program authorized to support creation and expansion of economic development efforts by community-based organizations to permit use of up to 5 percent of funds for administration of grant program. Amends TCA Title 13, Chapter 14, Part 2. by *Dixon, *Harper. (HB1286)

***Senate Bill No. 920** -- Schools, Private and Charter - Empowers local school boards to approve establishment of charter schools by new school creation or existing public school conversion. Amends TCA Section 49-2-203. by *Miller J, *Ramsey, *Fowler. (HB1201)

***Senate Bill No. 1745** -- Safety - Establishes grant program for occupational health and safety programs for trade associations to conduct for member organizations for drug-free workplace programs. Amends TCA. by *Fowler. (HB1928)

***Senate Bill No. 1764** -- Motor Vehicles - Allows odometers to be reset to zero following repair or service if actual mileage and date of change are noted on permanently attached plate riveted to door. Amends TCA Sections 39-14-132, 47-18-104, and 55-17-114. by *Womack. (HB1720)

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Senate Bill No. 1896 -- Real Property - Permits, in cases of sale of division, court to authorize sale managed by real estate agent, when parties agree to such sale, rather than standard judicial sale. Amends TCA Title 29, Chapter 27. by *Davis L. (*HB1847)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1969 -- Sullivan County -- Local Bill Held on House Desk

House Bill No. 1970 -- Sullivan County -- Local Bill Held on House Desk

House Bill No. 1971 -- Harriman -- Local Bill Held on House Desk

House Bill No. 1972 -- Washington County -- Local Bill Held on House Desk

House Bill No. 1974 -- Sequatchie County -- Local Bill Held on House Desk

House Bill No. 1975 -- Johnson County -- Local Bill Held on House Desk

House Bill No. 1976 -- Johnson County -- Local Bill Held on House Desk

House Bill No. 1977 -- Bartlett -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 17, 1997**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 23, 1997**: House Bill(s) No(s). 1549, 1174, 678, 550, 44, 1385, 1098, 844 and 690.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 21, 1997**: House Bill(s) No(s). 1863, 421 and House Joint Resolution(s) No(s). 131.

JUDICIARY

The Judiciary Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1055 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CONSENT CALENDAR

House Resolution No. 56 -- Memorials, Sports - Powell Valley High School boys' basketball coach Dennis Cline, District 3-AA Coach of the Year. by *Goins.

House Joint Resolution No. 193 -- Memorials, Recognition and Thanks - Tennessee 4-H Congress, 50th anniversary. by *Beavers.

Senate Joint Resolution No. 164 -- Memorials, Sports - 1996 Riverdale High School football team. by *Womack.

Senate Joint Resolution No. 166 -- Memorials, Death - Orion C. Key. by *Rochelle.

Senate Joint Resolution No. 167 -- Memorials, Academic Achievement - Karla Lynn Robinson, Valedictorian, Trousdale County High School. by *Rochelle.

Senate Joint Resolution No. 168 -- Memorials, Academic Achievement - Tori Tucker, Salutatorian, Trousdale County High School. by *Rochelle.

Rep. Ridgeway moved that all members voting aye on **House Joint Resolution No. 193**, be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, White, Whitson, Williams, Windle, Wittingham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 339** -- Purchasing - Authorizes local governments to purchase items locally without competitive bids if item available locally at same or lower cost than state contract Amends TCA Title 12, Chapter 3, Part 10. by *Rhinehart, *Bone. (SB303 by *Rochelle)

Further consideration of House Bill No. 339, previously considered on March 13, 1997, and March 27, 1997, at which time the House adopted Amendment(s) No(s). 1, 2, 4 and 5 and reset to today's Calendar.

Rep. Rhinehart moved that **House Bill No. 339**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	76
Noes	11
Present and not voting	5

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry L., Dunn, Eckles, Ferguson, Fowlkes, Fraley, Garrett, Givens, Godsey, Gunnels, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jones U., Kent, Kernell, Kerr, McAfee, McDaniel, McDonald, McKee, Miller, Mumpower, Newton, Phelan, Phillips, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Walker, Walley, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 76.

Representatives voting no were: Clabough, Goins, Haley, Jackson, Lewis, Maddox, McMillan, Odom, Pinion, Ritchie, Tidwell -- 11.

Representatives present and not voting were: Brooks, DeBerry J., Ford, Kisber, Patton -- 5.

A motion to reconsider was tabled.

House Bill No. 409 -- Correction, Dept. of - Directs department to have each inmate undergo HIV testing during classification Amends TCA Title 41, Chapter 21, Part 1. by *Bowers, *Jones U (Shelby), *Miller L, *Cooper B, *Brooks, *Jones, S.. (*SB415 by *Dixon)

Further consideration of House Bill No. 409, previously considered on April 3, 1997, April 7, 1997, and April 10, 1997, and reset to today's Calendar.

Rep. Bowers moved that House Bill No. 409 be re-referred to the Finance, Ways and Means Committee, which motion prevailed.

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House Bill No. 1456 -- Equalization Board - Provides for county board of equalization members from each of the four largest cities in counties with populations from 10,000 to 60,000, rather than two largest cities, as under present law. Amends TCA Section 67-1-401. by *Jones U (Shelby), *Kent, *Cross, *Turner (Shelby), *Brooks. (*SB1621 by *Leatherwood, *Person)

Further consideration of House Bill No. 1456, previously considered on April 14, 1997, and reset to today's Calendar.

On motion, House Bill No. 1456 was made to conform with **Senate Bill No. 1621**; the Senate Bill was substituted for the House Bill.

Rep. U. Jones moved that Senate Bill No. 1621 be passed on third and final consideration.

Rep. U. Jones requested that State & Local Government Amendment No. 1 be moved to the heel of the Amendments.

Rep. Miller moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1621 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 67-1-401(a)(3), is amended by designating the existing language as (a)(3)(A), and by adding the following language to be designated as subsection (a)(3)(B):

(B) In any county having a population in excess of eight hundred thousand (800,000), according to the 1990 federal census or any subsequent federal census which has one (1) or more cities with a population of not less than ten thousand (10,000) nor more than sixty thousand (60,000), one (1) member of the board shall be appointed by the city council or governing body of each of the four (4) largest cities with a population in excess of ten thousand (10,000), within the county.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. U. Jones moved that Senate Bill No(s). 1621 be reset for the Regular Calendar on Monday, April 21, 1997, which motion prevailed.

***House Bill No. 382** -- Emergency Communications Districts - Authorizes districts to require assignment and posting of property numbers. Amends TCA Title 7, Chapter 86. by *Hargrove. (SB1310 by *Burks)

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On motion, House Bill No. 382 was made to conform with **Senate Bill No. 1310** the Senate Bill was substituted for the House Bill.

Rep. Hargrove moved that Senate Bill No. 1310, be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State & Local Government Committee Amendment No. 1.

Rep. Hargrove moved that **Senate Bill No. 1310** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes93
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 1358 -- Alcoholic Beverages - Permits home manufacture of beer for personal consumption. Amends TCA Title 39, Chapter 17, Part 7. by *West, *West. (*SB1636 by *Cohen)

On motion, House Bill No. 1358 was made to conform with **Senate Bill No. 1636**; the Senate Bill was substituted for the House Bill.

Rep. West moved that **Senate Bill No. 1636** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes62
Noes28
Present and not voting2

Representatives voting aye were: Armstrong, Arriola, Bittle, Bone, Boner, Bowers, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Davis, DeBerry J., DeBerry L., Eckles, Fitzhugh, Fowlkes, Givens, Gunnels, Halteman-Harwell, Hargrove, Hassell, Head, Hicks, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, McMillan, Miller, Newton, Odom, Patton, Phelan, Phillips, Pleasant, Pruitt, Rhinehart, Rinks, Robinson,

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Sands, Sargent, Scroggs, Stamps, Tidwell, Tindell, Towns, Turner (Shelby), West, Whitson, Williams, Winningham, Mr. Speaker Naifeh -- 62.

Representatives voting no were: Beavers, Boyer, Cross, Curtiss, Davidson, Dunn, Ferguson, Ford, Godsey, Goins, Haley, Hargett, Jackson, Maddox, McAfee, McDaniel, McDonald, McKee, Mumpower, Pinion, Ridgeway, Ritchie, Roach, Sharp, Walley, White, Windle, Wood -- 28.

Representatives present and not voting were: Lewis, Walker -- 2.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from no to aye on Senate Bill No. 1636 and have this statement entered in the Journal: Rep(s). Hargett.

REGULAR CALENDAR, CONTINUED

House Bill No. 1491 -- Financial Disclosure - Prohibits requiring certain financial and other disclosure statements from employees in the career service. Amends TCA Title 8. by *Chumney, *Ridgeway. (*SB1076 by *Haynes)

Rep. Chumney moved that House Bill No. 1491 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1491 by deleting the amendatory language of Section 1 of the printed bill, and by substituting instead the following language:

Section _____. No officer or employee in career service under Title 8, Chapter 30, shall be required to submit a disclosure statement under this part, or any other financial disclosure statement, unless such person has acquired or terminated interests which may or could be considered to be a conflict of interest, a potential conflict of interest, or give the appearance of a conflict of interest with such officer's or employee's duties and functions. This section shall not apply to persons described in Section 8-50-501 or officers or employees whose duties are to regulate, inspect, audit or otherwise procure goods or services. Failure to submit a disclosure statement of direct or indirect conflicts of interest, as defined in Section 12-4-101, et seq., shall be enforced by the registry of election finance pursuant to Section 8-50-505.

Rep. Kerr moved adoption of Amendment No. 1 to Amendment No. 1 as follows:

Amendment No. 1 to Amendment No. 1

AMEND House Bill No. 1491 by deleting the second sentence of the amendatory language of Amendment No. 1 and by substituting instead the following:

This section shall not apply to persons described in Tennessee Code Annotated, Section 8-50-501, or to officers or employees whose duties include taking action or making decisions with respect to any law or regulation administered by any state agency, department or other entity, or whose duties include the purchase of goods or services on behalf of such entity.

Rep. Chumney moved that Amendment No. 1 to Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes	54
Noes	38

Representatives voting aye were: Armstrong, Arriola, Bone, Boner, Bowers, Brooks, Brown, Buck, Chumney, Cole (Dyer), Cross, Curtiss, Davidson, DeBerry J., DeBerry L., Ferguson, Fitzhugh, Fowlkes, Fraley, Garrett, Givens, Hargrove, Head, Hood, Jackson, Jones S., Jones U., Kernell, Langster, Maddox, McDonald, McMillan, Miller, Odom, Phelan, Phillips, Pinion, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Sands, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), West, White, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 54.

Representatives voting no were: Beavers, Bird, Bittle, Boyer, Burchett, Caldwell, Clabough, Cole (Carter), Cooper, Davis, Dunn, Ford, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hassell, Hicks, Kent, Kerr, McAfee, McDaniel, McKee, Mumpower, Newton, Patton, Pleasant, Roach, Sargent, Scroggs, Sharp, Stamps, Walker, Walley, Whitson, Wood -- 38.

Rep. Arriola moved the previous question on Amendment No. 1, which motion prevailed.

On motion, Amendment No. 1 was adopted.

Rep. Williams moved the previous question on the bill, as amended, which motion prevailed.

Rep. Chumney moved that **House Bill No. 1491**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	53
Noes	38
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Bone, Boner, Bowers, Brown, Buck, Caldwell, Chumney, Cole (Dyer), Cooper, Cross, Curtiss, Davidson, DeBerry L., Eckles, Ferguson, Fitzhugh, Fowlkes, Fraley, Garrett, Givens, Hargrove, Head, Hood, Jones S., Jones U., Kernell, Kisber, Langster, McDonald, McMillan, Odom, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway,

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Rinks, Robinson, Sands, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), West, White, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 53.

Representatives voting no were: Beavers, Bird, Bittle, Boyer, Burchett, Clabough, Cole (Carter), Davis, Dunn, Ford, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hassell, Hicks, Jackson, Kent, Kerr, Maddox, McAfee, McDaniel, McKee, Mumpower, Newton, Pleasant, Ritchie, Roach, Sargent, Scroggs, Sharp, Stamps, Walker, Walley, Whitson, Wood -- 38.

Representatives present and not voting were: Patton -- 1.

A motion to reconsider was tabled.

***House Bill No. 1935** -- Public Records - Permits district attorney to institute replevin action to recover public records that have been unlawfully removed Amends TCA Section 39-16-504. by *Phelan. (SB1920 by *Carter)

Rep. Phelan moved that House Bill No. 1935 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1935 by deleting from subsection (c)(1) of the amendatory language of SECTION 1 the words "district attorney general" and substituting instead the words "county or municipal attorney".

On motion, Amendment No. 1 was adopted.

Rep. Phelan moved that **House Bill No. 1935**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

***House Bill No. 1849** -- Law Enforcement - Increases from 15 to 40 percent, percentage of proceeds local seizing agency receives from sale of vehicles forfeited because of operation by person whose driver license suspended DUI; decreases from 85 to 60 percent, percentage of such proceeds going to the alcohol and drug addiction treatment fund Amends TCA Title 40, Chapter 33 and Title 55. by *Curtiss. (SB1910 by *Burks, *Davis L)

On motion, House Bill No. 1849 was made to conform with **Senate Bill No. 1910**; the Senate Bill was substituted for the House Bill.

Rep. Curtiss moved that Senate Bill No. 1910, be passed on third and final consideration.

On motion, Rep. Kisber withdrew Finance, Ways & Means Committee Amendment No. 1.

On motion, Rep. Kisber withdrew Finance, Ways & Means Committee Amendment No. 2.

Rep. Curtiss moved that **Senate Bill No. 1910** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	4

Representatives voting aye were: Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Walker, Walley, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Armstrong, Chumney, Kernell, Turner (Shelby) -- 4.

A motion to reconsider was tabled.

House Bill No. 847 -- University of Tennessee - Requires senate confirmation of gubernatorial appointees to board of trustees Amends TCA Title 49, Chapter 9. by *Stulce. (*SB1481 by *Crutchfield)

Rep. Stulce moved that House Bill No. 847 be passed on third and final consideration.

Rep. Davidson moved adoption of Education Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 847 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-9-202(a), is amended by deleting subdivision (11) and by substituting instead the following:

(11)(A) The governor is the appointing authority for the board of trustees. The senate and the house through the adoption of a joint resolution shall confirm each gubernatorial appointee.

(B) If a vacancy occurs, the governor shall make an appointment for the remainder of the unexpired term as the governor would make an appointment for a complete term. If a vacancy occurs while the general assembly is not in session, the appointee shall serve, but have no voting privileges, only until the close of the next annual session unless confirmed by the general assembly as required by subdivision (A).

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted by the following vote:

Ayes60
Noes36

Representatives voting aye were: Armstrong, Arriola, Bone, Boner, Bowers, Brooks, Brown, Buck, Caldwell, Chumney, Cole (Dyer), Cooper, Cross, Curtiss, Davidson, DeBerry J., DeBerry L., Eckles, Ferguson, Fitzhugh, Fowlkes, Fraley, Garrett, Givens, Hargrove, Head, Hood, Jackson, Jones S., Jones U., Kernell, Kisber, Langster, Lewis, Maddox, McDonald, McMillan, Miller, Odom, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Sands, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), West, White, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 60.

Representatives voting no were: Beavers, Bird, Bittle, Boyer, Burchett, Clabough, Cole (Carter), Davis, Dunn, Ford, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hassell, Hicks, Kent, Kerr, McAfee, McDaniel, McKee, Mumpower, Newton, Patton, Pleasant, Roach, Sargent, Scroggs, Sharp, Stamps, Walker, Walley, Whitson, Wood -- 36.

Rep. Hargrove moved the previous question, which motion prevailed.

Rep. Stulce moved that **House Bill No. 847**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes60
Noes35
Present and not voting 1

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Representatives voting aye were: Armstrong, Arriola, Bone, Boner, Bowers, Brooks, Brown, Buck, Caldwell, Chumney, Cole (Dyer), Cooper, Cross, Curtiss, Davidson, DeBerry J., DeBerry L., Eckles, Ferguson, Fitzhugh, Fowlkes, Fraley, Garrett, Givens, Hargrove, Head, Hood, Jackson, Jones S., Jones U., Kernell, Kisber, Langster, Lewis, Maddox, McDonald, McMillan, Miller, Odum, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Robinson, Sands, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), West, White, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 60.

Representatives voting no were: Beavers, Bird, Bittle, Boyer, Burchett, Clabough, Cole (Carter), Davis, Dunn, Ford, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hassell, Hicks, Kent, Kerr, McAfee, McDaniel, McKee, Mumpower, Newton, Patton, Pleasant, Roach, Sargent, Scroggs, Stamps, Walker, Walley, Whitson, Wood -- 35.

Representatives present and not voting were: Sharp -- 1.

A motion to reconsider was tabled.

***House Bill No. 1249** -- Weights and Measures - Enacts "Testing and Sealing -- Use of Weights and Measures." Amends TCA Title 47, Chapter 26, by *Boyer, *Haley, *Hargett, *Pleasant, *McDaniel, *Stamps, *Walley, *Ford S., *Wood, *Patton, *Kerr, *Beavers, *Kent, *Bird, *Clabough, *McKee, *Sargent, *Newton, *Scroggs, *Godsey, *Walker, *McAfee, *Mumpower, *Roach, (SB1655 by *Jordan, *Elsea, *McNally, *Atchley, *Person, *Koella, *Carter, *Ramsey, *Leatherwood, *Gilbert, *Miller J, *Fowler)

On motion, House Bill No. 1249 was made to conform with **Senate Bill No. 1655**; the Senate Bill was substituted for the House Bill.

Rep. Boyer moved that Senate Bill No. 1655, be passed on third and final consideration.

Rep. Givens moved adoption of Agriculture Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1655 by adding the following language as a new subsection (a) in Section _____. POWERS AND DUTIES OF LOCAL OFFICIALS on page 12 of the printed bill and by redesignating subsequent subsections accordingly:

(a) The respective cities and counties of this state are authorized to appoint necessary weights and measures officials, including, but not limited to, a sealer of weights and measures and such deputy sealers as may be required. Such sealer, deputy sealers and other weights and measures officials shall be appointed by and serve at the pleasure of the governing body of the city or county.

AND FURTHER AMEND by deleting from the original subsection (a) in SECTION _____. POWERS AND DUTIES OF LOCAL OFFICIALS on page 12 of the printed bill the language "for a county or city" in the first sentence thereof and by substituting instead the language "by a county or city".

AND FURTHER AMEND by adding the following language as a new section immediately after SECTION ____ PRESUMPTIVE EVIDENCE in Section 1 of the printed bill:

SECTION _____. In the event of seizure or confiscation under the provisions of this part, the aggrieved party shall have the right to appeal such action pursuant to the provisions of the Uniform Administrative Procedures Act, codified at Tennessee Code Annotated, Title 4, Chapter 5.

AND FURTHER AMEND by adding the following language as a new, appropriately designated subdivision to subsection (l) of SECTION _____. POWERS AND DUTIES OF THE COMMISSIONER on page 9 of the printed bill:

() The purpose of this subsection is to authorize the commissioner to render inoperable such weights and measures as are found to be incorrect, until such time suitable repair or disposition thereof has been made. Nothing in this part shall be construed to authorize the commissioner, or his representative, to confiscate and take actual physical possession of a weight and measure found to be incorrect, except as provided for in subsection (c) of SECTION _____. SPECIAL POWERS.

AND FURTHER AMEND by deleting in its entirety subsection (c) of SECTION _____. SPECIAL POWERS on page 11 of the printed bill, and by substituting instead the following language:

(c) Empowered to confiscate and take physical possession of, for use as evidence in a civil or criminal proceeding, without formal warrant, any incorrect or unapproved weight, measure, package, or commodity found to be used, retained, offered, or exposed for sale or sold in violation of the provisions of this act or regulations promulgated pursuant thereto. After the order of the commissioner, or the judgment of any court, including appellate review, becomes final, upholding the seizure or confiscation of such incorrect or unapproved weight, measure, package, or commodity, the same shall be destroyed by the commissioner. If no appeal of such order is taken by law, the property seized or confiscated shall be forfeited without further proceedings and shall be disposed of as herein provided.

On motion, Amendment No. 1 was adopted.

Rep. Givens moved adoption of Agriculture Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1655 by adding the following language to the end of Section 2.5:

However, any public weighmaster who has been licensed for the last five (5) consecutive years immediately prior to examination and who has not been in violation of any laws, rules, or regulations pertaining to the duties or responsibilities of a public weighmaster shall be exempt from such examination.

AND FURTHER AMEND by deleting the next to last sentence of Section 3.3(a) and substituting instead the following:

However, any individual or agency applying for registration to service weighing or measuring devices that has been licensed for the last five (5) consecutive years immediately prior to examination and has not been in violation of any laws, rules, or regulations pertaining to the duties or responsibilities of a registered serviceperson or registered service agency shall be exempt from such examination.

On motion, Amendment No. 2 was adopted.

Rep. Givens moved adoption of Agriculture Committee Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 1655 by deleting in its entirety subsection (r) in SECTION ____ POWERS AND DUTIES OF THE COMMISSIONER on page 10 of the printed bill and by redesignating subsequent subsections accordingly.

AND FURTHER AMEND by deleting from the second sentence of SECTION ____ LICENSE FEES on page 20 of the printed bill the language "\$25.00 per year" and by substituting instead the language "ten dollars (\$10.00) per year".

AND FURTHER AMEND by deleting from the first sentence of SECTION ____ REGISTRATION FEES - EXPIRATION OF CERTIFICATES - DISPOSITION OF FUNDS on page 34 of the printed bill the language "twenty-five dollars (\$25.00) per year" and by substituting instead the language "ten dollars (\$10.00) per year".

AND FURTHER AMEND by deleting from the second sentence of SECTION ____ REGISTRATION FEES - EXPIRATION OF CERTIFICATES - DISPOSITION OF FUNDS on page 34 of the printed bill the language "fifty dollars (\$50.00) per year" and by substituting instead the language "twenty-five dollars (\$25.00) per year".

On motion, Amendment No. 3 was adopted.

Rep. Boyer moved that **Senate Bill No. 1655**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes93
Noes0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks,

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Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

***House Bill No. 1263** -- Taxes, Sales - Allows purchasers to take sales and use tax credits from pollution control equipment purchases as refunds or apply to tax exempt purchases. Amends TCA Section 67-6-346. by *Sharp, *Davis R, *Haley, *Hargett, *Pleasant, *Wood, *McDaniel, *Stamps, *Walley, *Boyer, *Ford S, *Patton, *Kerr, *Beavers, *Kent, *Bird, *Clabough, *McKee, *Sargent, *Newton, *Scroggs, *Godsey, *Halteman Harwell, *Goins, *Walker, *McAfee, *Mumpower, *Roach. (SB1685 by *Gilbert, *Eisea, *McNally, *Atchley, *Person, *Jordan, *Koella, *Haun, *Carter, *Ramsey, *Leatherwood, *Gilbert, *Miller J, *Fowler)

On motion, House Bill No. 1263 was made to conform with **Senate Bill No. 1685**; the Senate Bill was substituted for the House Bill.

Rep. Sharp moved that Senate Bill No. 1685, be passed on third and final consideration.

On motion, Rep. Head withdrew Finance, Ways & Means Committee Amendment No. 1.

Rep. Sharp moved that **Senate Bill No. 1685** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Joint Resolution No. 191 -- Memorials, Personal Occasion - Gallatin High School, 40th class reunion. by *McDonald, *Stamps.

Further consideration of House Joint Resolution No. 191, previously considered on April 16, 1997, at which time it was objected to on the Consent Calendar, and reset to today's Calendar.

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On motion of Rep. McDonald, **House Joint Resolution No. 191** was withdrawn from the House.

House Bill No. 1111 -- Juvenile Offenders - Establishes procedure whereby person to whom restitution is ordered from delinquent child can convert unpaid balance of restitution owing at time juvenile court loses jurisdiction over child into civil judgment against such child. Amends TCA Title 25; Title 26 and Title 37. by *Boner, *Turner (Hamilton), *Ridgeway, *Hargett, *Goins, *Pleasant, *Haley, *Clabough, *Beavers. (*SB343 by *Haynes)

Further consideration of House Bill No. 1111, previously considered on April 9, 1997, April 10, 1997, and April 16, 1997, and reset to today's Calendar.

Rep. Fowlkes moved that House Bill No(s). 1111 be reset for the Regular Calendar on Thursday, April 24, 1997, which motion prevailed.

UNFINISHED BUSINESS

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to Rule No. 59, notice was given that the following measure(s) from the Senate would be considered on April 21, 1997:

Senate Bill No. 253: by Rep. Head

House Bill No. 276: by Rep. Rhinehart

Senate Bill No. 1766: by Rep. Rhinehart

BILLS WITHDRAWN

On motion of Rep. Beavers, **House Bill No. 1081** was recalled from the Conservation & Environment Committee and withdrawn from the House.

On motion of Rep. Beavers, **House Bill No. 1862** was withdrawn from the House.

On motion of Rep. Stulce, **House Bill No. 598** was recalled from the Judiciary Committee and withdrawn from the House.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 26: Rep(s). Boyer and Patton as prime sponsor(s).

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House Bill No. 797: Rep(s). Buck as prime sponsor(s).

House Bill No. 810: Rep(s). Hood, Eckles and Head as prime sponsor(s).

House Bill No. 1303: Rep(s). Eckles as prime sponsor(s).

House Bill No. 1660: Rep(s). Boyer and Bowers as prime sponsor(s).

House Bill No. 1667: Rep(s). Hargett as first prime sponsor(s).

MESSAGE FROM THE GOVERNOR

April 17, 1997

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 186 and 187, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

MESSAGE FROM THE SENATE

April 17, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1960, 1962, 1963 and 1966; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 17, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 183 and 185; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED

April 17, 1997

The Speaker signed the following: Senate Joint Resolution(s) No(s). 188 and 189.

MESSAGE FROM THE SENATE

April 17, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 401; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 17, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1414 and 1813; both for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

April 17, 1997

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 339, 847, 1491 and 1935, also, House Joint Resolution(s) No(s) 193.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 17, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 734, 777, 921, 965, 1183, 1330 and 1690; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 734** -- Telecommunications - Authorizes treble damages for failure to execute separate contracts for sale or lease of cellular phone or wireless phone capable of transmitting or receiving telephonic, electronic or radio communications more than 100 feet from its home base and sale or lease of such phone service. Amends TCA Title 47, Chapter 18. by *Kyle.

Senate Bill No. 777 -- Education - Deletes requirement that any person other than parent or guardian having custody or control of school age children shall cause such children to be enrolled in school. Amends TCA Title 49, Chapter 6. by *Burks.

***Senate Bill No. 921** -- Local Education Agency - Permits local, county or municipal school district existing on January 1, 1994, to become special school district by 2/3 school board vote and appropriate private act; authorizes county, municipal or special school district existing on January 1, 1994, to merge into single special school district. Amends TCA Section 49-2-501. by *Miller J, *Leatherwood.

Senate Bill No. 965 -- Insurance, Motor Vehicles - Prohibits cancellation or annulment of motor vehicle insurance policy absent binding finding of fault on part of insured. Amends TCA Section 55-12-122. by *Ford J.

***Senate Bill No. 1183** -- Sunset Laws - Adds human and community service delivery agencies to sunset provisions; such agencies to sunset June 30, 2000. Amends TCA Title 4, Chapter 29; Title 13, Chapter 26 and Title 71, Chapter 5. by *Henry.

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***Senate Bill No. 1330** -- Education, Higher - Authorizes board of trustees of baccalaureate education system trust fund program to delegate day to day operating responsibilities to state treasurer; allows program participants to retain or transfer tuition units. Amends TCA Title 49, Chapter 7, Part 8. by *Haynes.

***Senate Bill No. 1609** -- Labor, Dept. of - Adds provision of input relative to program evaluation as additional advisory responsibility of executive steering committee of institute for labor studies Amends TCA Title 4, Chapter 32. by *Crutchfield.

MESSAGE FROM THE SENATE

April 17, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 165, 170, 172, 173, 174, 175, 176, 177, 178, 179 and 180; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENROLLED BILLS

April 17, 1997

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 15, 204, 904, 923, 978, 1176 and 1186; also, House Resolution(s) No(s). 56 and 58.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 17, 1997

The Speaker signed the following: House Bill(s) No(s). 15, 204, 904, 923, 978, 1176 and 1186; also, House Resolution(s) No(s). 56 and 58.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 17, 1997

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 165, 170, 172, 173, 174, 175, 176, 177, 178, 179 and 180.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 17, 1997

The Speaker signed the following: Senate Bill(s) No(s). 1414, 1813, 8, 425, 435, 436, 438, 1825 and 1273; also, Senate Joint Resolution(s) No(s). 50, 86, 156, 157, 159, 161 and 163.

CONSENT CALENDAR
April 17, 1997

The following local bills have been placed on the Consent Calendar for **April 21, 1997**: House Bill(s) No(s). 1969, 1970, 1971, 1972, 1974, 1975 and 1976.

ROLL CALL

The roll call was taken with the following results:

Present.....95

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

RECESS MOTION

On motion of Rep. Hargrove, the House recessed until 5:00 p.m., Monday, April 21, 1997.